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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RENEE & ERIC SKANSGAARD

Plaintiff,

vs.

ARS NATIONAL SERVICES, INC.

Defendant.

Case No.:

Dept. No.:

**VERIFIED COMPLAINT AND DEMAND
FOR JURY TRIAL**

(Unlawful Debt Collection Practices)

COMPLAINT

COMES NOW Plaintiffs, RENEE & ERIC SKANSGAARD (“Plaintiff”), by and through their attorneys, KROHN & MOSS, LTD., and for Plaintiffs’ Complaint against Defendant, ARS NATIONAL SERVICES, INC., allege and affirmatively state as follows:

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy”.

3. Because Defendant conducts business in the state of Nevada, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1) and 1391(b)(2).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

PARTIES

6. Plaintiffs are natural persons residing in Dayton, Lyon County, Nevada and are obligated or allegedly obligated to pay a debt and are "consumers" as that term is defined by 15 U.S.C. 1692a(3).

7. Plaintiffs are informed and believe, and thereon allege, that Defendant maintains a business office in Escondido, San Diego County, California.

8. PlaintiffS are informed and believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

9. Defendant constantly and continuously places collection calls to Plaintiffs seeking and demanding payment of an alleged debt.

10. Defendant calls Plaintiffs from the following numbers: 401-213-3328 and 760-735-8531.

11. Defendant calls Plaintiffs and leaves voicemail messages requesting Plaintiffs to call 866-879-1503 and reference account number 17473115 (see transcribed voicemail messages attached as group Exhibit A).

12. Defendant called Plaintiffs fifty-six times from a number appearing as "Unknown" on Plaintiffs' caller ID.

13. Plaintiffs were able to identify Defendant as the "Unknown" caller because when an "Unknown" call is indicated on Plaintiffs' caller ID there is a corresponding voicemail message left on Plaintiffs' voicemail system.

14. Defendant calls Plaintiffs and frequently hangs up without leaving voicemail messages.

15. Defendant calls Plaintiffs and only states that “ARS” is the caller, not “ARS National Services, Inc.,” its proper business name (see Exhibit A).

16. Defendant calls Plaintiffs and fails to disclose that the call is from a debt collector (see Exhibit A).

17. Defendant did not send Plaintiffs a debt validation letter. To date, Plaintiffs have not received any written correspondence from Defendant.

FIRST CLAIM FOR RELIEF

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,

(FDCPA), 15 U.S.C. § 1692 et seq.

18. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiffs.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly with the intent to annoy, abuse and/or harass the Plaintiffs.
- c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller’s identity because Defendant calls Plaintiffs and only states that “ARS” is the caller, not “ARS National Services, Inc.”
- d. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller’s identity because Defendant calls Plaintiffs and frequently hang up without leaving a voicemail message.
- e. Defendant violated §1692e(10) of the FDCPA by using false and deceptive means in the attempt to collect a debt because Defendant places telephone calls to Plaintiffs and only states that “ARS” is the caller.

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- f. Defendant violated §1692e(10) of the FDCPA by using false and deceptive means in the attempt to collect a debt because Defendant places telephone calls to Plaintiffs and “Unknown” appears on their caller ID.
- g. Defendant violated §1692e(10) of the FDCPA by using false and deceptive means in the attempt to collect a debt because Defendant places telephone calls to Plaintiffs and hangs up without leaving voicemail messages.
- h. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the call is from a debt collector.
- i. Defendant violated §1692e(14) of the FDCPA by using “ARS” to identify itself and not “ARS National Services, Inc.,” the true name of the Defendant’s business.
- j. Defendant violated §1692g(a)(1-5) by failing to provide appropriate notice of the debt within 5 days after the initial communication including: (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement that unless the consumer, within 30 days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector; (4) a statement that if the consumer notifies the debt collector in writing within the 30-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and (5) a statement that, upon the consumer’s written request within the 30-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

...

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1. Declaratory judgment that the Defendant's conduct violated the FDCPA.
2. Actual damages.
3. Statutory damages pursuant to the Federal Act, 15 U.S.C. 1692k.
4. Costs and reasonable attorney's fees pursuant to the FDCPA, 15 U.S.C. 1692k.
6. Any other relief that this court deems to be just and proper.

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DEMAND FOR JURY TRIAL

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NEVADA

Plaintiff, RENEE SKANSGAARD, states as follows:

1. I am one of the Plaintiffs in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, RENEE SKANSGAARD, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 11-18-09


RENEE SKANSGAARD

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NEVADA

Plaintiff, ERIC SKANSGAARD, states as follows:

8. I am one of the Plaintiffs in this civil proceeding.
9. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
10. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
11. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
12. I have filed this Complaint in good faith and solely for the purposes set forth in it.
13. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
14. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ERIC SKANSGAARD, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 11-18-2009


ERIC SKANSGAARD